

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

BABY DOE, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs</i> ,	)	
	)	
v.	)	Case No. 3:22-cv-49-NKM
	)	
JOSHUA MAST, <i>et al.</i> ,	)	
	)	
<i>Defendants</i> ,	)	
	)	
and	)	
	)	
UNITED STATES SECRETARY OF	)	
STATE ANTONY BLINKEN, <i>et al.</i> ,	)	
	)	
<i>Nominal Defendants.</i>	)	
	)	

**DEFENDANT RICHARD MAST’S MOTION TO FILE HIS UNREDACTED  
REPLY IN SUPPORT OF HIS MOTION TO  
DISMISS THE AMENDED COMPLAINT UNDER SEAL**

Defendant Richard Mast hereby moves the Court to file the unredacted version of his Reply in Support of His Motion to Dismiss the Amended Complaint under Rules 12(b)(1) and 12(b)(6) under seal pursuant to Local Rule 9 and the Protective Order (Dkt. 26).

1. Richard Mast’s Reply contains discussion of and reference to materials that have been filed in the adoption proceeding in which the Does seek to unwind Defendants Joshua and Stephanie Masts’ adoption of Baby Doe. That proceeding is presently under seal. *See* Va. Code Ann. § 63.2-1246. The Virginia state court has allowed the Defendants Joshua and Stephanie Mast and Defendant Richard Mast to discuss that case’s filings in this case, provided that they seek to submit the information and records under seal. *See* Exhibit 1 to Joshua and Stephanie Mast’s Memorandum in Support of their Motion to Dismiss (filed under seal).

2. The Supreme Court of Virginia recently denied the Does' effort to shield their identities asymmetrically in the Circuit Court proceedings while consistently attacking the Masts publicly in this proceeding and in the press. The Supreme Court also called into question whether the Circuit Court records should remain sealed because of the Supreme Court's recent decision in *Daily Press, LLC v. Commonwealth*, \_\_\_ Va. \_\_\_, \_\_\_, 878 S.E.2d 390, 403–07 (2022). But it held that the Circuit Court record would remain provisionally sealed until the Circuit Court has provided notice of the proceedings to the public, offered an opportunity for intervenors to seek access to the record, and entered an order based on specific findings as to whether some or all of the record should remain sealed.

3. Richard Mast also anticipates moving this Court for an order modifying its protective order, including its authorization for Plaintiffs John Doe and Jane Doe to proceed under pseudonyms, in light of the Supreme Court of Virginia's order. The undersigned counsel will first meet and confer with Plaintiffs' counsel to assess the scope of any disagreement about the protective order.

4. While the Circuit Court implements the Supreme Court's order, and pending further action from this Court on the protective order, Defendant Richard Mast seeks leave to file this reply under seal so as not to moot any of those issues unilaterally. Richard Mast acknowledges that it may soon be appropriate to revisit the matter in light of subsequent developments.

For the above reasons, Richard Mast respectfully requests the Court to grant this Motion to File His Unredacted Reply in Support of His Motion to Dismiss the Amended Complaint Under Seal.

Dated: December 5, 2022

Respectfully submitted,

/s/ Richard L. Mast

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